



## PRESS STATEMENT

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For Immediate Press Release

### **STATEMENT BY THE KENYA OPEN GOVERNMENT PARTNERSHIP (OGP) CIVIL SOCIETY ORGANIZATIONS MULTISTAKEHOLDER FORUM ON THE #RejectFinanceBill2024 PROTESTS**

The President of Kenya has conceded to the calls of the Kenyan people and withdrawn a contentious Finance Bill 2024 that was introduced to the Parliament with the Government's annual finance and revenue collection proposals for 2024-2025. These were generally aimed at raising local revenue to run some of the country's major development projects and offset loans from international corporations like the International Monetary Fund (IMF) and the World Bank.

While this is a welcome move as per the wishes of Kenyans, it is with deep concern that the country has watched the Government of Kenya's response to the countrywide civil protests dubbed *#RejectFinanceBill2024*. The protests were led by Kenyan youth popularly referred to as "Gen Z" who have been advocating for the immediate withdrawal of the Bill citing over-taxation, high cost of living, unchecked corruption and joblessness.

With utmost concern, we note that the response to the protests went against Open Government Principles of which Kenya is a signatory to and, as the current Global Co-Chair of the Open Government Partnership, should be at the forefront of spearheading its principles, **including citizen and stakeholder participation, transparency, accountability and integrity.**

The National Assembly passed the contentious Bill despite wide public outcry and opposition, which according to an Infotrak opinion poll stood at more than two-thirds of Kenyans (83%) of Kenyans. Over the past week, the youth in a revolutionary people-driven movement took to peaceful demonstrations in cities and major towns nationwide. Despite their peaceful assembly, they were met with a violent response from the National Police Service ranging from teargas and water canons to physical assault, battery, atrocious use of live ammunition and most recently indiscriminate abductions, enforced disappearances and unlawful killings. The violence particularly escalated on 25th June 2024 when Parliament passed the Bill. Additionally, there was a presidential directive ratified by a closed Parliamentary session to deploy the Kenya Defence Forces to purportedly support the restoration of peace. Reportedly, media houses also received threats of closure for live coverage and broadcasts of the protests infringing on media freedoms.

Despite the country's progressive Constitution and the Bill of Rights, the current administration through law enforcement agencies participated in and oversaw widespread violation of the right to life, freedom of assembly, picketing and protests, freedom of expression, freedom of the media, disruption of the internet and right to due court process. The heavy-handed Government response is in total contravention of national, regional and international human rights instruments to which Kenya is a party.

Accordingly, we the undersigned civil society members of the OGP multi-stakeholder forum, cognizant of the values of the partnership opportunities that it provides for the co-creation and co-implementation of critical reforms to Kenya's governance, call the government not to relinquish the constitutionally guaranteed rights of citizens which could also undermine the essence, values and principles of the OGP.

Kenya's failures to protect its citizens, the civic space for safe expression and protest as well as experienced violations of fundamental human rights, including the right to life, hampers its legitimacy and reputation as the Co-Chair of the Global Partnership. The documented deaths, injuries, threats, harassment, arbitrary arrests and deprivation of liberties in the civil protests is a clear contradiction of a commitment to open government values and principles; as well as the commitments of its [current 5th National Action Plan](#) submitted to the OGP by the Government of Kenya. *As a global leader of 75 countries and 150 local jurisdictions, Kenya should lead by example in serving its citizens in a transparent, participatory, inclusive and accountable manner.*

Subsequently, and following the President's briefing to the nation on 26th June 2024, we note and call upon the government to **undertake the following actions** under the cited OGP values and commitments of Kenya in its [National Action Plan 5 \(NAP V\)](#) to strengthen civic engagement, rule of law and public trust

### **Rebuilding Trust and Fortifying Open Government Approaches and Resiliency**

The OGP Multistakeholder forum convene to discuss concrete actions on using the OGP Mechanism to dialogue on concrete actions for **rebuilding trust between citizens and government** through meaningful public engagement, policies and measures that reflect citizen feedback, enhanced transparency and proactive disclosure of information for public decision making, legislative and fiscal openness including but not limited;

#### A. Fiscal Transparency and Citizen Engagement

1. Parliament to comply with the provisions of Article 115 of the Constitution of Kenya 2010 on Presidential assent and referral of the Finance Bill 2024. The

National Assembly should also ensure all other bills going forward are subject to a process anchored on **greater public participation and consensus**.

2. Hold public forums on Kenya's debt in line with the Public Finance Management Act, 2012.
3. Enact the Public Participation Bill 2023 to enhance meaningful and accountable public participation in matters affecting citizens and their livelihoods.
4. Include a provision on the use of plain language text in government and parliament documents in the Public Participation Bill 2023 to ensure citizens are better able to engage with the materials and issues which they care about.
5. Committee of public debt and privatization hansards to be made public to increase transparency and understanding of legislative roles and outputs.
6. Develop a state of parliamentary openness report to make parliamentary processes more transparent and participatory
7. Commit to nurturing and protecting the well-being of the individual, the family, communities and the nation in **all law-making**; as well as recognising the aspirations of all Kenyans for a government based on the essential values of human rights, equality, freedom, democracy, social justice and the rule of law through entrenchment of meaningful public participation policies

## B. Digital Governance and Online Civic Space

1. Creation of response mechanisms for online citizen engagement and feedback mechanisms, including guidelines on response times to be reflected in the service charters of Ministries, Departments and Agencies (MDAs).
2. Uphold ethics on digital services and governance including the right to internet access and data privacy. Digital platforms should remain open and uninterrupted forums for access to information online, civic discourse and participation in line with Kenya's constitutional, regional and international obligations on freedom of expression and human rights. Citizens must be able to freely communicate and keep their government accountable which is at the heart of the digital governance Kenya's OGP commitment seeks to uphold - ethical, safe, inclusive and human rights centered.

### C. Access to Information and Freedom of the Media

1. Increase awareness and uptake of the Access to Information Course at the Kenya School to ensure that all public officials are aware of the important principles of Government holding information in public trust, proactive disclosure of information, and limited exceptions under the Access to Information Law, 2016 for withholding information requested by the public.
2. The government should initiate accountability for political interference with broadcast media and promote safeguards for press freedom, particularly the safety and protection of journalists who play a critical role in facilitating the public's right to accurate and timely information.
3. The State through the Independent Police Oversight Authority (IPOA) and other constitutionally mandated institutions should ensure accountability for all forms of violence meted out against journalists covering the protests by security officers.

### D. Access to Justice, Human Rights and Public Accountability

1. Work with relevant executive and judicial institutions to prioritize grassroots justice which includes justice in urban informal settlements and low-economic areas where grave injustices have occurred and go unacknowledged and unaddressed.
2. Operationalise the legal aid fund to improve access to justice for Kenyans.
3. Direct the Independent Policing Oversight Authority and the Kenya National Commission of Human Rights to immediately launch investigations into the operations and activities of the National Police Service in its response to the civil protests with the aim of prosecuting and punishing those responsible for the reported human rights violations, arbitrary arrests, deprivation of liberties, enforced disappearances and unlawful killings.
4. The Justice and Legal Affairs Committee (JLAC) of the National Assembly provide critical oversight into the conduct of the National Intelligence Service and the Directorate of Criminal Investigations for their alleged involvement in the illegal abduction and enforced disappearances of Kenyans contrary to the Constitution and Section 3 of the National Intelligence Service Act.
5. Withdraw the Kenya Defence Forces from intervening in the civil protests.
6. Immediate and unconditional release of any other protestors that are in custody as ordered by the court.

### E. Civic Space - Enabling Environment for Citizens

1. Urgently address all violations to freedoms of assembly, protest, expression and information as detailed above and ensure citizen accounts of these violations form a critical part of the investigations, redress and justice measures.

2. Develop and operationalise regulations on the Public Benefits Organisations Act 2013 (PBO Act). Further, begin engagement with public benefit organizations on current matters of development and policy making pursuant to S.66(4) of the PBO Act.

#### F. Coordination and Accountability for Open Government Measures and Approaches

1. Present and approve Cabinet Memo to operationalize the Multistakeholder National Council on Open Government to coordinate open government measures and programming in Kenya.
2. Ensure that all the proposed recommendations and calls to action are anchored on Open Government principles as well as the provisions of [Kenya's 5th National Action Plan](#) (NAP V) of the stated government's firm belief that the Open Government Partnership "*is the best-placed network and mechanism for restoring public trust in democracy, equality, and inclusivity in access to public services and development dividends.*" (page 4, NAP 5)

We take note that the planned multi-stakeholder engagements, dialogue, and whole-of-government austerity measures communicated by H.E. President W. Ruto is in line with critical open government approaches. We call upon the Kenya Government to **take further conciliatory approaches in dealing with areas of ongoing public interest concerns** such as investigations into the deaths and harms of protestors, with proper accountability and justice measures undertaken following the findings of the investigations.

Through the Open Government Partnership, we remain committed to constructively working with the government to improve opportunities for dialogue, provide technical assistance to chart the way forward on matters relating to transparency, public participation, inclusivity and accountability; and rebuilding trust for the sake of our country and especially, our youth who will soon steward the Kenya that we leave behind for them.

Signed:

1. Namati- Kenya
2. Local Development Research Institute
3. Transparency International Kenya
4. Kituo Cha Sheria - Legal Advice Centre
5. ARTICLE 19 Eastern Africa
6. Mzalendo Trust

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### **About the Open Government Partnership and Kenya's Global Obligations**

The [Open Government Partnership \(OGP\)](#) is a global multilateral initiative that aims to secure concrete commitments from national and sub-national governments to promote open government, empower citizens, fight corruption, and harness innovative technologies to strengthen governance. The Open Government Partnership (OGP) brings together reformers inside and outside government working to transform how the government serves its citizens. Kenya has been a [member](#) of OGP since 2011 and has worked to co-create action plans with concrete commitments across a broad range of thematic issues implemented via a national multi-stakeholder forum.

It was launched in 2011 when 8 founding countries took their open government efforts further and formed the first Global Partnership committed to advancing open government in a strategic, accountable, and structured manner. Brazil, Indonesia, Mexico, Norway, the Philippines, South Africa, the United Kingdom and the United States launched OGP with the endorsement of the Open Government Declaration.

In 2023, Kenya became the Government Co-Chair of the global Steering Committee of the OGP. In taking up this role, Kenya committed to a higher responsibility in championing and realising the Partnership's values of protection of an enabling civic space, transparency, meaningful public participation, accountability, access to information and access to justice.